

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**DONALD E. BOYD,**

**Plaintiff,**

**v.**

**STATE OF ARIZONA, *et al.*,**

**Defendants.**

08-CV-4521 (WJM)

**ORDER**

This matter having come before the Court on the motion filed by *pro se* prisoner Donald E. Boyd (“Boyd”) seeking amendment of the January 26, 2010 order dismissing Defendant D. Harvey (“Harvey”) for lack of personal jurisdiction to provide for interlocutory appeal pursuant to 28 U.S.C. § 1292(b); the Court noting that certification under 28 U.S.C. § 1292(b) can be granted only if the issue for reconsideration (1) involves a controlling question of law upon which there is, (2) substantial grounds for difference of opinion as to its correctness, and (3) if appealed immediately, may materially advance the ultimate termination of the litigation, *Katz v. Carte Blanche Corp.*, 496 F.2d 747, 754 (3d Cir. 1974); the Court further noting that “mere disagreement with the district court’s ruling does not constitute a substantial ground for ‘difference of opinion’ within the meaning of § 1292(b)” and that the “difference of opinion” must be a “genuine doubt as to the correct legal standard,” *Kapossy v. McGraw-Hill, Inc.*, 942 F.Supp. 996, 1001 (D.N.J. 1996); the Court finding that Boyd has not demonstrated a

controlling question of law upon which there is substantial grounds for difference of opinion and that in fact Boyd does not disagree with the legal standard used by the Court in determining the existence personal jurisdiction but instead merely disagrees with the result of the Court's application of that standard; and good cause appearing,

**IT IS** on the 22<sup>nd</sup> day of July 2010, hereby

**ORDERED** that Plaintiff Boyd's motion to amend and seeking interlocutory appeal is **DENIED WITH PREJUDICE**.

/s/ William J. Martini  
**WILLIAM J. MARTINI, U.S.D.J.**